

**REMARKS**

This paper is in response to Paper No. 09697044 dated 22 September 2005.

**Status of the Claims**

Claims 1-22 and 25-61 remain pending.

**Amendments**

No claims have been amended.

**Rejection Under 35 U.S.C. §251**

Claims 1-22 and 25-61 were rejected under 35 U.S.C. §251 as "being based upon a defective reissue oath/declaration under 37 CFR §251. To the extent that this rejection has been rendered or moot by the filing of the accompanying Supplemental Declaration, Petition under 37 CFR §1.47(b), and Memorandum and accompanying Declaration by the Assignee, Applicant respectfully traverses this rejection for the following reasons.

First, Paper No. 09697044 is incomplete under 37 CFR §1.104(a), (b), (c), because no deficiency in Applicant's originally filed reissue declaration has been identified. Clarification in a subsequent Office Correspondence is respectfully requested.

Second, Applicant's originally filed reissue declaration is complete in compliance with 35 U.S.C. §251; throughout the prosecution history of this application, no defect in that original declaration has ever been identified.

Third, the request for a supplemental declaration was made only in Paper No. 0967044 for "an appropriate supplemental oath/declaration"; the requirement under 37 CFR §1.175(b)(1) however, is for "any error corrected, which is not covered by the oath or declaration submitted" with the originally filed application. Not every amendment made during the course of a reissue examination is however, and "error corrected, which is not covered by the oath or declaration" simply because such an "error" is one that arose under 37 CFR §1.175(a)(1). Moreover, only a single "error" must be identified in the reissue declaration, and so long as that the error remains corrected in the application as is specified under 37 CFR §1.175(c), a supplemental declaration is unnecessary.

Fourth, Applicant's submits herewith a Supplemental Declaration of the Assignee of all right, title and interest in and to the above-referenced application, together with a Petition and a Declaration, prepared in compliance with 37 CFR §1.147(b), together with a Memorandum of Law prepared by an attorney in Republic of Korea explaining the legal effect of sections 37 and 38 upon the ownership rights of the inventor, and the consequential operation of that law to transfer those ownership rights of the sole inventor to the Assignee in this application. Due to the long pendency of this application which was originally filed over 5 years ago, and the fact that the inventor had after many years of faithful service resigned his employment with the Assignee and has become unavailable to the Assignee, grant of the Applicant's petition of 37 CFR §1.47(b) is proper in an order.

The fee incurred under 37 CFR §1.17 by the filing of the Petition under 37 §1.47(b) accompanies this response.

In view of the foregoing explanations, remarks and accompanying supplemental declaration of the sole assignee, this application is deemed to be in condition to be passed for allowance. Such action is respectfully requested.

Respectfully submitted,



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